



METROPOLITAN
TRANSPORTATION
COMMISSION

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April 27, 2010

REQUEST FOR PROPOSALS (RFP)

For

Transit Oriented Development Policy Evaluation

Letter of Invitation

Dear Consultant:

The Metropolitan Transportation Commission (MTC) invites you to submit a proposal to evaluate MTC's Transit-Oriented Development Policy for Resolution 3434 Transit Expansion Projects (TOD Policy).

This letter, together with its enclosures, comprises the Request for Proposal (RFP) for this project. Interested proposers may download a copy of the RFP from MTC's website at <http://www.mtc.ca.gov/jobs/>. Responses should be submitted in accordance with the instructions set forth in this RFP.

Proposal Due Date

*Interested Contractors must submit one (1) original, and four (4) hard copies of their proposal by 4:00 p.m., Wednesday, May 19, 2010. **Proposals received after that date and time will not be considered.*** A submitted proposal shall be considered a firm offer to enter into a contract for a period of ninety (90) days from the date of submittal.

MTC Point of Contact

Proposals and all inquiries relating to this RFP shall be submitted to the Project Manager at the address shown below. For telephone inquiries, call (510) 817-5846; fax: (510) 817-5848. E-mail inquiries may be directed to djohnson@mtc.ca.gov

Doug Johnson, Project Manager
Metropolitan Transportation Commission
Joseph P. Bort Metro Center
101 Eighth Street
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Background

The Metropolitan Transportation Commission (MTC) is both the regional transportation planning agency (RTPA) and the Metropolitan Planning Organization (MPO) for the nine-county San Francisco Bay Area — Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma counties.

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Alameda County

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Association of Bay Area Governments

Chris Daly
City and County of San Francisco

Bill Dodd
Napa County and Cities

Dorene M. Giacomini
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Contra Costa County

Anne W. Halsted
San Francisco Bay Conservation
and Development Commission

Steve Kinsey
Marin County and Cities

Sue Lempert
Cities of San Mateo County

Jake Mackenzie
Sonoma County and Cities

Jon Rubin
San Francisco Mayor's Appointee

Bijan Sartipi
State Business, Transportation
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James P. Spering
Solano County and Cities

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Cities of Contra Costa County

Ken Yeager
Santa Clara County

Steve Heminger
Executive Director

Ann Flemer
Deputy Executive Director, Policy

Andrew B. Fremier
Deputy Executive Director, Operations

As part of the 2001 Regional Transportation Plan, the Metropolitan Transportation Commission adopted a regional Transit Expansion Program of new investments in public transit expansions throughout the nine-county Bay Area (MTC Resolution 3434). In 2005 MTC adopted the Resolution 3434 TOD Policy for Regional Transit Expansion Projects (TOD Policy) that defines "supportive land use plans and policies" for new transit expansions under Resolution 3434 (Appendix A-2). This policy, adopted in 2005, was re-evaluated in 2007. In addition, supplemental analysis was completed in 2009 for the Sonoma Marin Area Rail Transit (SMART) and Eastern Contra Costa BART (eBART) transit expansion projects. Additional information can be found on MTC's website at:

http://www.mtc.ca.gov/planning/smart_growth/tod/index.htm

Proposer's Conference and Requests for Exception

A proposer's conference will be held on Friday, May 7th at 1:00 p.m. in the MTC 3rd Floor Main Conference Room, at 101 Eighth Street, Oakland (across from the Lake Merritt BART Station). During the Proposer's Workshop, the Project Manager will explain the scope of work and RFP process in detail.

Notice of Addenda and Requests for Exception

Any addenda to this RFP that may be issued by MTC will be posted at <http://www.mtc.ca.gov/jobs/>; it is the proposer's responsibility to check for addenda to this RFP and comply with new or revised requirements that may be stated therein.

Requests for clarification or exception to RFP provisions must be received no later than 4:00 p.m., Monday, May 10, 2010 to guarantee consideration. Proposers are also encouraged to submit comments on the scope of work at this time.

Scope of Work, Budget and Schedule

The preliminary Scope of Work (*Appendix A*); the Background on MTC's TOD Policy, (*Appendix A-1*), and the Resolution 3434 TOD Policy for Regional Transit Expansion Projects (*Appendix A-2*), are attached to this RFP.

The budget for this project is one hundred thousand dollars (\$100,000). The term of this contract will extend from June 27, 2010 through July 30, 2011. At MTC's sole option, this contract may be extended to cover additional work related to TOD Policy evaluation.

Form of Statement of Proposal

Sections that must be included in each Proposal are described below. In furtherance of MTC's resource conservation policy, proposers are asked to print proposals back to back and are encouraged to use recycled paper for all proposals and reports. Each proposal should include:

1. A transmittal letter signed by an official authorized to solicit business and enter into contracts for the firm. The transmittal letter should refer to this RFP by title and date and should include the name and telephone number of a contact person and a

statement that the proposal is a firm offer to enter into a contract with MTC according to the terms of this RFP.

2. Provide a brief overview of your company and relevant work experience. Provide resumes for the project team and outline their areas of responsibility (i.e. analysis, GIS, policy review, technical service, etc.).
3. A proposed work plan that addresses each task outlined in the Scope of Work (*Appendix A*) and the proposer's approach to performing it.
4. A detailed staffing plan and budget for each task and subtask, identifying all staff by name and specific tasks for which each individual will be responsible, hours worked by staff and by task; and estimated cost. All costs to MTC must be included in this section.
5. Provide three (3) public sector/government agencies where TOD supportive policy and implementation work has been completed. References should include contact information and the name of the project or projects done by the Consultant for that client.
6. A completed and signed California Levine Act statement (*Appendix B*).
7. A completed and signed Insurance Provisions document (*Appendix C-1*).

Proposal Evaluation

The Project Manager, in consultation with the MTC Office of General Counsel, will conduct an initial review of the proposals for general responsiveness. Any proposal that does not include enough information to permit the evaluators to rate the proposal in any one of the evaluation factors listed below will be considered non-responsive. A proposal that fails to include one or more items requested in Form of Proposal may be considered complete and generally responsive, if evaluation in every criterion is possible. Responsive proposals will then be evaluated by a panel, based on the following evaluation factors, listed in descending order of importance:

- Approach to Scope of Work
- Relevant experience
- References
- Cost Effectiveness

Following this evaluation, the panel may elect to recommend award to a particular proposal, with or without interviews, or identify a "short list" of proposers with a reasonable likelihood of being awarded the contract with which to enter into for discussions, as described below. References may be checked for one or more of such short-listed proposers prior to final evaluation.

MTC reserves the right not to convene discussions and to make an award on the basis of written proposals, alone. Further, MTC reserves the right to accept or reject any and all submitted proposals, to waive minor irregularities, and to request additional information from the proposers at any stage of the evaluation.

The purpose of discussions, if held, will be to identify specific deficiencies and weaknesses in each short-listed proposal and to provide the proposer with the opportunity to consider possible approaches to alleviating or eliminating them. These deficiencies or weaknesses may include such things as aspects of the proposed approach or cost. Discussions may take place through written correspondence and/or during face-to-face interviews. The proposer's Project Manager, as well as other key personnel identified by the evaluation panel, will be expected to participate in any discussions.

Following the discussions, MTC will give the proposers on the "short list" the opportunity to revise their written proposals to address the concerns raised during discussions through issuance of a Request for Best and Final Offer (BAFO). A proposer shall be prepared to submit its BAFO in accordance with the procurement schedule in the letter of invitation. Following receipt of the BAFO, the evaluation panel will re-evaluate the proposals, as revised, against the evaluation criteria. The evaluation panel will then recommend a proposer to the Executive Director for approval.

Contractor Selection Timetable

Friday, May 7, 2010, 1:00 p.m.	Proposers' Conference in the MTC 3 rd Floor Main Conference Room
Monday, May 10, 2010, 4:00 p.m.	Deadline for submission of Requests for Clarification, Exception or modification of RFP provisions
Friday, May 14, 4:00 pm	Deadline for Protest of RFP provisions
Thursday, May 20, 2010, 4:00 p.m.	Deadline for Submission of Proposals
Thursday, May 27, 2010	Interviews/Discussions (if necessary)
Thursday, June 3, 2010, 4:00 p.m.	Deadline for Submission of Request for BAFO (if necessary)
June 25, 2010 (approximate)	Execution of Contract

Selection Disputes

A proposer may object to a provision of the RFP on the grounds that it is arbitrary, biased, or unduly restrictive, or to the selection of a particular Consultant on the grounds that MTC procedures, the provisions of the RFP or applicable provisions of federal, state or local law have been violated or inaccurately or inappropriately applied by submitting to the MTC Project Manager a written explanation of the basis for the protest:

1. No later than three (3) working days prior to the date proposals are due, for objections to RFP provisions; or
2. No later than three (3) working days after the date the proposer is notified that it was found to be non-responsive or failed to meet minimum qualifications; or

3. No later than three (3) working days after the date on which the contract is authorized or the date the firm is notified that it was not selected, whichever is later, for objections to Contractor selection.

Except with regard to initial determinations of non-responsiveness, the evaluation record shall remain confidential until the MTC Executive Director authorizes the award.

The MTC Section Manager responsible for the procurement will respond to the protest in writing, based on the recommendation of a staff review officer. Authorization to award a contract to a particular Contractor shall be deemed conditional until the expiration of the protest period or, if a protest is filed, the issuance of a written response to the protest by the MTC Section Manager.

Should the Proposer wish to appeal the decision of the MTC Section Manager it may file a written appeal with the MTC Executive Director, no less than three (3) working days after receipt of the written response from the Section Manager. The Executive Director's decision will be the final agency decision.

General Conditions

MTC will not reimburse any proposer for costs related to preparing and submitting a Proposal. Materials submitted by proposers are subject to public inspection under the California Public Records Act (Government Code § 6250 *et seq.*).

MTC reserves the right in its sole discretion not to enter into any contract as a result of this RFP. Any award made will be to the Consultant whose proposal is most advantageous to MTC based on the evaluation criteria outlined above.

A synopsis of MTC's contract provisions is enclosed for your reference as *Appendix C*. If a Consultant wishes to propose a change to any standard MTC contract provision, the provision and the proposed alternative language must be submitted by the deadline specified above for requests for exception. If no such change is requested, the Consultant will be deemed to accept MTC's standard contract provisions based on its submission of a proposal.

The selected Consultant will be required to maintain insurance coverage, during the term of the contract, at the levels described in *Appendix C-1*. Each policy or policies shall include MTC, as additional insureds and an endorsement providing that such insurance is primary insurance and no insurance of MTC will be called on to contribute to a loss. Consultant agrees to provide the required certificates of insurance providing verification of the minimum insurance requirements listed in *Appendix C-1, Insurance Requirements* within five (5) days of MTC's notice to firm that it is the successful proposer. Requests to change MTC's insurance requirements must be brought to MTC's attention no later than the date for requesting exceptions to RFP provisions. If such objections are not brought to MTC's attention by that deadline, compliance with the insurance requirements will be assumed.

The selected Consultant will be required to indemnify, defend and hold harmless MTC as described in *Appendix C*.

Authority to Commit MTC

Based on the recommendation of the evaluation panel, the MTC Project Manager will recommend a Consultant to the Executive Director, who will commit MTC to the expenditure of funds in connection with this RFP.

We appreciate your interest in this RFP and look forward to receiving your proposals.

Thank you for your interest.

Sincerely,

A handwritten signature in black ink, appearing to read "Ann Flemer".

Ann Flemer

Deputy Executive Director, Policy

AF: DJ

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REQUEST FOR PROPOSALS

by

METROPOLITAN TRANSPORTATION COMMISSION

for

TRANSIT ORIENTED DEVELOPMENT POLICY EVALUATION

April 27, 2010

Joseph P. Bort MetroCenter
101 Eighth Street
Oakland, CA 94607-4700

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APPENDIX A, 2010 TOD Policy Update Scope of Work

The purpose of this project is to conduct a study to update the potential of TOD in the Bay Area, review adopted MTC TOD policy and supporting programs, and recommend refinements to regional policies and programs based on the evaluation.

Consultant will be managed by MTC. A Technical Advisory Committee (TAC) will monitor the work of the Consultant and provide technical feedback. MTC's new Policy Committee and the Transportation and Land Use Committee of the Congestion Management agencies will be consulted for the purposes of this study. The MTC Planning Committee will provide policy guidance.

This scope of work identifies specific steps for which the Consultant is to provide assistance as well as the nature of the assistance.

Task 1: Final Project Work Plan, Schedule and Management Plan

Within 10 days after execution of the Agreement by both parties (or as otherwise agreed in writing by MTC), Consultant will meet with MTC to review the detailed work plan and schedule submitted with Consultant's proposal (or Best and Final Offer) to identify any revisions and clarifications that may be necessary. Within 10 days following this initial project meeting, Consultant will complete such revisions to the work program as may be requested by MTC and will submit a detailed plan for the management of the project, identifying, for each task and subtask, specific work elements, budget, schedules, personnel assignments, milestones, and quality control measures.

Deliverable #1: Final Project Work Plan, Schedule, Budget, and Management Plan

Task 2: Regional Market for TOD

Consultant will review most recent demographic and economic trends to estimate demand within the Bay Area for TOD by 2020 and by 2040. Development trends covering the last 20 years applicable to a thorough understanding of the TOD evolving market should also be summarized for the report. Special consideration should be given to the relationship of the demand and market feasibility by sub-region, including county and/or transit corridor, if possible.

Deliverable #2: Technical memorandum summarizing trends in TOD development and demographics for the Bay Area

Task 3: Assess the current methodology to assess achievement of the TOD Policy Thresholds in 3434 Corridors

Consultant will review the current methodology used to assess achievement of the TOD Policy Thresholds and review it for accuracy, ease of use and transparency. Based on that review,

Consultant may recommend revisions to the current TOD Policy methodology to be applied in the following task.

Deliverable #3: Technical memorandum assessing the current TOD Policy analysis methodology and recommended revisions as needed.

Task 4: Assess the current status of corridor land use planning and achievement of the TOD Policy Thresholds in 3434 Corridors

Consultant will work with Valley Transportation Agency (VTA), Alameda County Congestion Management Agency, (ACCMA), Alameda County Transportation Improvement Authority (ACTIA) and local jurisdictions to assess the status of adopted and ongoing planning efforts underway within all the station areas on the Silicon Valley Rapid Transit (SVRT) project. Prepare a summary of planning efforts to include existing general plans and zoning, specific plans either completed or underway and other ongoing proposals for the station areas, and analyze the results relative to the corridor TOD Policy threshold.

Consultant will work with San Mateo Transportation Authority, ACCMA, VTA, ACTIA, and the Amtrak Capitol Corridor and local jurisdictions to assess the status of current planning efforts underway within all the station areas on the Dumbarton Rail corridor. Prepare a summary of planning efforts to include existing general plans and zoning, specific plans either completed or underway and other ongoing proposals for the station areas, and analyze the results relative to the corridor TOD Policy threshold.

Consultant will assess the ability of the ferry expansion projects to meet or exceed MTC's housing threshold based on the status of local planning efforts around applicable stations and compile the findings from the TOD Policy evaluation reports for the eBART Phase One project and SMART project dated fall 2009 available at http://www.mtc.ca.gov/planning/smart_growth/tod/index.htm on the status of current planning in the SMART and eBART projects and include findings in the final report.

Identify emerging transit expansions projects that MTC could consider adding to its Resolution 3434 project list or that could be required to meet the TOD policy in order to receive regional discretionary funding. Identify means for development potential to factor into the selection of new Resolution 3434 projects. For reference, the Resolution 3434 Strategic Plan is available at: <http://www.mtc.ca.gov/planning/rtep/pdf/RES-3434.pdf>

Deliverable #4a: Technical memorandum summarizing the status of the Resolution 3434 Transit projects to meet or exceed the current TOD Policy requirements for development.

Deliverable #4b: Technical memorandum listing possible future transit expansion projects that could be added to the TOD policy for consideration for future funding.

Task 5: Evaluation of Station Area Planning Program

Consultant will evaluate the Station Area Planning Program highlighting how to ensure the development of successful station area plans, how best to address specific issues referenced in MTC's TOD policy and the Station Area Planning Manual (available at http://www.mtc.ca.gov/planning/smart_growth/Station_Area_Planning_Manual_Nov07.pdf) such as parking ratios, pedestrian friendly design, and how and where to focus the program in future funding cycles. Consideration of evolving issues, such as the location of development and fixed sources of air contaminants and the relative importance of schools and demographic trends, should also be identified and recommendations proposed. Refinements, as needed, to MTCs Station Area Planning Manual and the Station Area Planning Grant Program, should be recommended here.

Deliverable #5a: Draft memorandum evaluating Station Area Planning Program.

Deliverable #5b: Workshop with MTC, ABAG and local recipients of previous and current station area planning grants to discuss results of evaluation.

Deliverable #5c: Final memorandum evaluating Station Area Planning Program.

Task 6: Evaluation of Corridor Working Groups

Consultant will confer with current and past participants of Corridor Working Groups, including representatives from local government, transit agencies, and congestion management associations, to assess their effectiveness towards achieving the goals of the TOD Policy. Compile and report on the their status and make necessary recommendations to maximize their effectiveness.

Deliverable #6a: Draft memorandum evaluating Corridor Working Groups.

Deliverable #6b: Meeting with MTC, ABAG and key Corridor Working Group members to discuss the finding of the evaluations.

Deliverable #6c: Final memorandum evaluating Corridor Working Group and recommendations

Task 7: Evaluation of MTC's Resolution 3434 TOD Policy

Consultant will report on any applicable studies since 2007 of nationally recognized regional TOD policies for transit corridors and/or TOD development programs. This may include lessons learned that would be applicable to MTC's TOD policy and its implementation in terms of the need to provide incentives for both housing at all levels of affordability and employment, the densities for both housing and employment that are most appropriate to support different forms of transit, and any other lessons that could be translated to the Bay Area.

Furthermore Consultant will review the current TOD Policy based on the findings of Tasks 4, 5, and 6 and suggest revisions to the policy as needed. These refinements shall include careful consideration of regional policies and TOD policy requirements that are likely to effectively

influence local decision making to support densities and development policies that are supportive of the existing/planned mode. Possible policies for consideration include:

- (i) Review the current housing thresholds and affordable housing bonus for appropriateness relative to the findings of other tasks and sub-tasks from this report.
- (ii) Parking metrics that effectively support station access, neighborhood circulation, and station area development while managing per-capita vehicle miles travelled and neighborhood walkability.
- (iii) The role of employment development can play in the TOD Policy and how stations areas currently are planning for TOD jobs by intensity, development types (e.g. floor area ratios), and employment sector.
- (iv) Relationship to FOCUS Priority Development Areas that are or are not Resolution 3434 station areas)
- (v) Propose policy, technical, or funding tools that the regional agencies should add, modify, or eliminate to aid in the development of TOD.
- (vi) Identify additional performance metrics for the TOD policy and/or the Station Area planning grant program.
- (vii) Examine the relationship between local land use planning requirements and the transit capital project development timeline to ensures the effective implementation of the TOD policy without causing delay to the transit planning and funding process.

Deliverable #7b: Technical Memorandum: Interim assessment report of MTC's TOD policy

Deliverable #7c: Technical Memorandum: Final assessment report on MTC's TOD policy

Task 8. Final Report

Consultant will summarize the findings and recommendations from Tasks 2-6 into a final report for presentation to the Commission and public distribution.

Consultant will also prepare a PowerPoint presentation and briefing book that summarizes the final report for use by MTC and project partners to educate regional, State and local policy makers about the important TOD issues, trends, and opportunities in the Bay Area.

Deliverable 8a: Draft Report, PowerPoint presentation and Briefing Book

Deliverable 8b: Final Report, PowerPoint presentation and Briefing Book

APPENDIX A-1, BACKGROUND ON MTC'S TOD POLICY

TOD Policy - Overview

As part of the 2001 Regional Transportation Plan, the Metropolitan Transportation Commission adopted a regional Transit Expansion Program of new investments in public transit expansions throughout the nine-county Bay Area (MTC Resolution 3434). The Commission previously adopted evaluation criteria (Resolution 3357) to assess proposed transit expansion projects ultimately included in Resolution 3434; land use and station access evaluation criteria were key elements included in the evaluation criteria. In addition, the Commission approved a 5-point Transportation and Land Use Platform in December 2003 that included a commitment to develop a new transit oriented development (TOD) policy outlining more specifically the requirements for providing supportive land use plans and policies along Res. 3434 corridors, in order to generate new transit riders and make the region's transit investments more cost-effective.

In 2005 MTC adopted the Transit Oriented Development Policy for Resolution 3434 Transit Expansion Projects that defines "supportive land use plans and policies" for new transit expansions under Resolution 3434. The policy proposes that each corridor meet an overall planning threshold for housing units within a half-mile of all new transit stations. This corridor approach allows a great deal of flexibility for different stations to accommodate different levels of development and allows local jurisdictions to determine how best to meet the threshold. In addition, the policy calls for corridor working groups to convene from the various jurisdictions and transit agencies in a corridor to determine how to meet the housing threshold, in addition to the preparation of comprehensive station area plans for each new transit station.

Corridor Working Groups

Corridor Working Groups are an essential element of implementing the regional TOD policy. Traditionally, transit extension projects have been planned with local engineering and public works staff, but seldom have city and county land use planners been at the table before the transit project opens. Corridor Working Groups will include the relevant transit agencies, the relevant congestion management agencies (CMAs), and local planning staff from each of the affected cities and counties along the corridor.

The county Congestion Management Agencies and/or the transit agencies take a lead role in the convening of the corridor working groups. It is expected that the CMAs would use part of the "T-PLUS" (Transportation for Planning and Land Use Solutions) funds, which are planning funds provided by MTC to the CMAs for the purpose of better integrating land use and transportation to support this effort. The Corridor Working Groups may also include key stakeholders from business, environment, social equity, and housing sectors.

Corridor Working Groups are required for Resolution 3434 corridors that are not currently known to meet the housing thresholds are below:

- BART Fremont to San Jose/Santa Clara
- Sonoma-Marin Rail
- Dumbarton Rail
- Expanded Ferry Service

Corridor Working Groups are also encouraged for the other corridors to assist in the coordination of transit supportive development along the transit corridor. It is the primary responsibility of the Corridor Working Groups to determine how the corridor will achieve the corridor level threshold for housing, how the housing numbers will be distributed among the jurisdictions, and to coordinate and oversee the development of local station-area plans. It is expected that the Corridor Working Group staff members will coordinate with elected boards of the participating agencies as necessary to seek feedback and secure agreements appropriate for these tasks.

Station Area Planning Grants

Traditionally, transit projects have been planned by transportation agencies, engineers, and local public works directors. All too often, local jurisdictions and the staff that plan and manage land use –planning directors, community development directors and redevelopment directors—are brought in after the fact to attempt the difficult task of retrofitting station areas with transit-oriented development. In addition, local planning staff from multiple jurisdictions along a corridor rarely work together to plan a transit extension as a comprehensive system of station areas. When land use planning is undertaken for station areas, it is usually done independent of other stations in a corridor.

MTC has awarded \$12.2 million in Station Area Planning Grants since July 2005. The TOD policy states that priority will be given to station area plans in the five corridors listed above that do not currently meet the housing thresholds. Corridor Working Groups will identify the assigned housing thresholds for the individual stations in the corridor, which will provide the core basis for station area plan development.

APPENDIX A-2, MTC RESOLUTION 3434 TOD POLICY for REGIONAL TRANSIT EXPANSION PROJECTS

1. Purpose

The San Francisco Bay Area—widely recognized for its beauty and innovation—is projected to grow by almost two million people and one and a half million jobs by 2030. This presents a daunting challenge to the sustainability and the quality of life in the region. Where and how we accommodate this future growth, in particular where people live and work, will help determine how effectively the transportation system can handle this growth.

The more people who live, work and study in close proximity to public transit stations and corridors, the more likely they are to use the transit systems, and more transit riders means fewer vehicles competing for valuable road space. The policy also provides support for a growing market demand for more vibrant, walkable and transit convenient lifestyles by stimulating the construction of at least 42,000 new housing units along the region's major new transit corridors and will help to contribute to a forecasted 59% increase in transit ridership by the year 2030.

This TOD policy addresses multiple goals: improving the cost-effectiveness of regional investments in new transit expansions, easing the Bay Area's chronic housing shortage, creating vibrant new communities, and helping preserve regional open space. The policy ensures that transportation agencies, local jurisdictions, members of the public and the private sector work together to create development patterns that are more supportive of transit.

There are three key elements of the regional TOD policy:

- (a) Corridor-level thresholds to quantify appropriate minimum levels of development around transit stations along new corridors;
- (b) Local station area plans that address future land use changes, station access needs, circulation improvements, pedestrian-friendly design, and other key features in a transit-oriented development; and*
- (c) Corridor working groups that bring together CMAs, city and county planning staff, transit agencies, and other key stakeholders to define expectations, timelines, roles and responsibilities for key stages of the transit project development process.

2. TOD Policy Application

The TOD policy only applies to physical transit extensions funded in Resolution 3434 (see Table 1). The policy applies to any physical transit extension project with regional discretionary funds, regardless of level of funding. Resolution 3434 investments that only entail level of service improvements or other enhancements without physically extending the system are not subject to the TOD policy requirements. Single station extensions to international airports are not subject to the TOD policy due to the infeasibility of housing development.

TABLE 1 Resolution 3434 Transit Extension Projects Subject to Corridor Thresholds			
Project	Sponsor	Type	Threshold is met with current development?
BART East Contra Costa Rail Extension (<i>Note 1</i>)	BART/CCTA	Commuter Rail	Yes
BART – Downtown Fremont to San Jose / Santa Clara (a) Fremont to Warm Springs (b) Warm Springs to San Jose/Santa Clara	(a) BART (b) VTA	BART extension	No
AC Transit Berkeley/Oakland/San Leandro Bus Rapid Transit: Phase 1	AC Transit	Bus Rapid Transit	Yes
Caltrain Downtown Extension/Rebuilt Transbay Terminal	TJPA	Commuter Rail	Yes
MUNI Third Street LRT Project Phase 2 – New Central Subway	MUNI	Light Rail	Yes
Sonoma-Marin Rail	SMART	Commuter Rail	No
Dumbarton Rail	SMTA, ACCMA, VTA, ACTIA, Capitol Corridor	Commuter Rail	No
Expanded Ferry Service Phase 1: Berkeley, Alameda/Oakland/Harbor Bay, and South San Francisco to SF (<i>Note 2</i>)	WTA	Ferry	No
Expanded Ferry Service Phase 2: Alameda to South San Francisco, and Hercules, Antioch, Treasure Island, Redwood City and Richmond to SF (<i>Note 1</i>)	WTA	Ferry	No
<p>Note 1: The eBART Phase One project to the Antioch Hillcrest station is compliant with the TOD policy based on analysis conducted in fall 2009 and presented to MTC’s Commission in December 2009.</p> <p>Note 2: The WTA Ferry Expansion "Corridor" for the purposes of the TOD policy consists of all new terminals planned in Phase 1 and Phase 2.</p>			

3. Definitions and Conditions of Funding

For purposes of this policy “regional discretionary funding” consists of the following sources identified in the Resolution 3434 funding plan:

- FTA Section 5309- New Starts
- FTA Section 5309- Bus and Bus Facilities Discretionary
- FTA Section 5309- Rail Modernization
- Regional Measure 1- Rail (bridge tolls)
- Regional Measure 2 (bridge tolls)
- Interregional Transportation Improvement Program
- Interregional Transportation Improvement Program-Intercity rail
- Federal Ferryboat Discretionary
- AB 1171 (bridge tolls)
- CARB-Carl Moyer/AB434 (Bay Area Air Quality Management District) ¹

These regional funds may be programmed and allocated for environmental and design related work, in preparation for addressing the requirements of the TOD policy. Regional funds may be programmed and allocated for right-of-way acquisition in advance of meeting all requirements in the policy, if land preservation for TOD or project delivery purposes is essential. No regional funds will be programmed and allocated for construction until the requirements of this policy have been satisfied. See Table 2 for a more detailed overview of the planning process.

4. Corridor-Level Thresholds

Each transit extension project funded in Resolution 3434 must plan for a minimum number of housing units along the corridor. These corridor-level thresholds vary by mode of transit, with more capital-intensive modes requiring higher numbers of housing units (see Table 3). The corridor thresholds have been developed based on potential for increased transit ridership, exemplary existing station sites in the Bay Area, local general plan data, predicted market demand for TOD-oriented housing in each county, and an independent analysis of feasible development potential in each transit corridor.

¹ The Carl Moyer funds and AB 434 funds are controlled directly by the California Air Resources Board and Bay Area Air Management District. Res. 3434 identifies these funds for the Caltrain electrification project, which is not subject to the TOD policy.

TABLE 2
REGIONAL TOD POLICY IMPLEMENTATION PROCESS
FOR TRANSIT EXTENSION PROJECTS

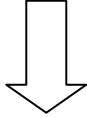

Transit Agency Action	City Action	MTC/CMA/ABAG Action
<p>All parties in corridors that do not currently meet thresholds (see Table 1) establish Corridor Working Group to address corridor threshold. Conduct initial corridor performance evaluation, initiate station area planning.</p> 		
Environmental Review/ Preliminary Engineering /Right-of-Way	Conduct Station Area Plans	Coordination of corridor working group, funding of station area plans
<p><i>Step 1 Threshold Check: the combination of new Station Area Plans and existing development patterns exceeds corridor housing thresholds .</i></p>		
Final Design	Adopt Station Area Plans. Revise general plan policies and zoning, environmental reviews	Regional and county agencies assist local jurisdictions in implementing station area plans
<p><i>Step 2 Threshold Check: (a) local policies adopted for station areas; (b) implementation mechanisms in place per adopted Station Area Plan by the time Final Design is completed.</i></p> 		
Construction	Implementation (financing, MOUs) Solicit development	TLC planning and capital funding, HIP funding

TABLE 3
REGIONAL TOD POLICY FOR TRANSIT EXTENSION PROJECTS
Average Development per Station*

Project Type Threshold	BART	Light Rail	Bus Rapid Transit	Commuter Rail	Ferry
Housing Threshold	3,850	3,300	2,750	2,200	750

Each corridor is evaluated for the Housing Threshold. For example, a four station commuter rail extension (including the existing end-of-the-line station) would be required to meet a corridor-level threshold of 8,800 housing units.

Threshold figures above are an average per station area based on both existing land uses and planned development within a half mile of all stations. New below market rate housing is provided a 50% bonus towards meeting housing unit threshold.

**The existing end of the line station counts as one of the stations for the TOD threshold analysis.*

- Meeting the corridor level thresholds requires that within a half mile of all stations, a combination of existing land uses and planned land uses meets or exceeds the overall corridor threshold for housing (listed in Table 3);
- Physical transit extension projects that do not currently meet the corridor thresholds with development that is already built will receive the highest priority for the award of MTC's Station Area Planning Grants.
- To be counted toward the threshold, planned land uses must be adopted through general plans, and the appropriate implementation processes must be put in place, such as zoning codes. General plan language alone without supportive implementation policies, such as zoning, is not sufficient for the purposes of this policy. Ideally, planned land uses will be formally adopted through a specific plan (or equivalent), zoning codes and general plan amendments along with an accompanying programmatic Environmental Impact Report (EIR) as part of the overall station area planning process. Minimum densities will be used in the calculations to assess achievement of the thresholds.
- An existing end station is included as part of the transit corridor for the purposes of calculating the corridor thresholds; optional stations will not be included in calculating the corridor thresholds.

- New below-market housing units will receive a 50 percent bonus toward meeting the corridor threshold (i.e. one planned below-market housing unit counts for 1.5 housing units for the purposes of meeting the corridor threshold. Below market for the purposes of the Resolution 3434 TOD policy is affordable to 60% of area median income for rental units and 100% of area median income for owner-occupied units);
- The local jurisdictions in each corridor will determine job and housing placement, type, density, and design.
- The Corridor Working Groups are encouraged to plan for a level of housing that will significantly exceed the housing unit thresholds stated here during the planning process. This will ensure that the Housing Unit Threshold is exceeded corridor-wide and that the ridership potential from TOD is maximized.

5. Station Area Plans

Each proposed physical transit extension project seeking funding through Resolution 3434 must demonstrate that the thresholds for the corridor are met through existing development and adopted station area plans that commit local jurisdictions to a level of housing that meets the threshold. This requirement may be met by existing station area plans accompanied by appropriate zoning and implementation mechanisms. If new station area plans are needed to meet the corridor threshold, MTC will assist in funding the plans. The Station Area Plans shall be conducted by local governments in coordination with transit agencies, Association of Bay Area Governments (ABAG), MTC and the Congestion Management Agencies (CMAs).

Station Area Plans are opportunities to define vibrant mixed use, accessible transit villages and quality transit-oriented development – places where people will want to live, work, shop and spend time. These plans should incorporate mixed-use developments, including new housing, neighborhood serving retail, employment, schools, day care centers, parks and other amenities to serve the local community.

At a minimum, Station Area Plans will define both the land use plan for the area as well as the policies—zoning, design standards, parking policies, etc.—for implementation. The plans shall at a minimum include the following elements:

- Current and proposed land use by type of use and density within the ½ mile radius, with a clear identification of the number of existing and planned housing units and jobs;
- Station access and circulation plans for motorized, non-motorized and transit access. The station area plan should clearly identify any barriers for pedestrian, bicycle and wheelchair access to the station from surrounding neighborhoods (e.g., freeways, railroad tracks, arterials with inadequate pedestrian crossings), and should propose strategies that will remove these barriers and maximize the number of residents and employees that can access the station by these means. The station area and transit village public spaces shall be made accessible to persons with disabilities.
- Estimates of transit riders walking from the half mile station area to the transit station to use transit;
- Transit village design policies and standards, including mixed use developments and pedestrian-scaled block size, to promote the livability and walkability of the station area;

- TOD-oriented parking demand and parking requirements for station area land uses, including consideration of pricing and provisions for shared parking;
- Implementation plan for the station area plan, including local policies required for development per the plan, market demand for the proposed development, potential phasing of development and demand analysis for proposed development.

The Station Area Plans shall be conducted using existing TOD design guidelines that have already been developed by ABAG, local jurisdictions, transit agencies, the CMAs and others. MTC will work with ABAG to provide more specific guidance on the issues listed above that must be addressed in the station area plans and references and information to support this effort. MTC is conducting an analysis of parking policies that will be made available when complete, and shall be considered in developing local parking policies for TODs.

6. Corridor Working Groups

The goal of the Corridor Working Groups is to create a more coordinated approach to planning for transit-oriented development along Resolution 3434 transit corridors. Each of the transit extensions subject to the corridor threshold process, as identified in Table 1, will need a Corridor Working Group, unless the current level of development already meets the corridor threshold. Many of the corridors already have a transit project working group that may be adjusted to take on this role. The Corridor Working Group shall be coordinated by the relevant CMAs, and will include the sponsoring transit agency, the local jurisdictions in the corridor, and representatives from ABAG, MTC, and other parties as appropriate.

The Corridor Working Group will assess whether the planned level of development satisfies the corridor threshold as defined for the mode, and assist in addressing any deficit in meeting the threshold by working to identify opportunities and strategies at the local level. This will include the key task of distributing the required housing units to each of the affected station sites within the defined corridor. The Corridor Working Group will continue with corridor evaluation, station area planning, and any necessary refinements to station locations until the corridor threshold is met and supporting Station Area Plans are adopted by the local jurisdictions.

MTC will confirm that each corridor meets the housing threshold prior to the release of regional discretionary funds for construction of the transit project.

7. Review of the TOD Policy

MTC staff will conduct a review of the TOD policy and its application to each of the affected Resolution 3434 corridors, and present findings to the Commission, within 12 months of the adoption of the TOD policy.

**APPENDIX B,
CALIFORNIA LEVINE ACT STATEMENT**

California Government Code § 84308, commonly referred to as the “Levine Act,” precludes an officer of a local government agency from participating in the award of a contract if he or she receives any political contributions totaling more than \$250 in the 12 months preceding the pendency of the contract award, and for three months following the final decision, from the person or company awarded the contract. This prohibition applies to contributions to the officer, or received by the officer on behalf of any other officer, or on behalf of any candidate for office or on behalf of any committee.

MTC’s commissioners include:

Tom Azumbrado
Tom Bates
Dave Cortese
Dean J. Chu
Chris Daly
Bill Dodd

Dorene M. Giacomini
Federal D. Glover
Scott Haggerty
Anne W. Halsted
Steve Kinsey
Sue Lempert
Jake Mackenzie

Jon Rubin
Bijan Sartipi
James P. Spering
Adrienne J. Tissier
Amy Rein Worth
Ken Yeager

1. Have you or your company, or any agent on behalf of you or your company, made any political contributions of more than \$250 to any MTC commissioner in the 12 months preceding the date of the issuance of this request for qualifications?

___ YES ___ NO

If yes, please identify the commissioner: _____

2. Do you or your company, or any agency on behalf of you or your company, anticipate or plan to make any political contributions of more than \$250 to any MTC commissioners in the three months following the award of the contract?

___ YES ___ NO

If yes, please identify the commissioner: _____

Answering yes to either of the two questions above does not preclude MTC from awarding a contract to your firm. It does, however, preclude the identified commissioner(s) from participating in the contract award process for this contract.

DATE

(SIGNATURE OF AUTHORIZED OFFICIAL)

(TYPE OR WRITE APPROPRIATE NAME, TITLE)

(TYPE OR WRITE NAME OF COMPANY)

**APPENDIX C,
SYNOPSIS OF PROVISIONS IN MTC'S
STANDARD CONSULTANT AGREEMENT**

The selected Consultant will be required to sign Agency's standard consultant agreement, a copy of which standard agreement may be obtained from the Project Manager for this RFP. In order to provide bidders with an understanding of some of Agency's standard contract provisions, the following is a synopsis of the major requirements in our standard agreement for professional services. THE ACTUAL LANGUAGE OF THE STANDARD CONSULTANT AGREEMENT SUPERSEDES THIS SYNOPSIS.

Termination: MTC may, at any time, terminate the Agreement upon written notice to Consultant. Upon termination, MTC will reimburse the Consultant for its costs for incomplete deliverables up to the date of termination. Upon payment, MTC will be under no further obligation to the Consultant. If the Consultant fails to perform as specified in the agreement, MTC may terminate the agreement for default by written notice following a period of cure, and the Consultant is then entitled only to compensation for costs incurred for work products acceptable to MTC, less the costs to MTC of rebidding.

Insurance Requirement: See *Appendix D-1, Insurance Requirements*, attached hereto.

Independent Contractor: Consultant is an independent contractor and has no authority to contract or enter into any other agreement in the name of MTC. Consultant shall be fully responsible for all matters relating to payment of its employees including compliance with taxes.

Indemnification: Consultant agrees to defend, indemnify and hold MTC harmless from all claims, damages, liability, and expenses resulting from any negligent or otherwise wrongful act or omission of Consultant in connection with the agreement. Consultant agrees to defend any and all claims, lawsuits or other legal proceedings brought against MTC arising out of such negligent or wrongful acts or omissions. The Consultant shall pay the full cost of the defense and any resulting judgments.

Data Furnished by MTC: All data, reports, surveys, studies, drawings, software (object or source code), electronic databases, and any other information, documents or materials ("MTC Data") made available to the Consultant by MTC for use by the Consultant in the performance of its services under this Agreement shall remain the property of MTC and shall be returned to MTC at the completion or termination of this Agreement. No license to such MTC Data, outside of the Scope of Work of the Project, is conferred or implied by the Consultant's use or possession of such MTC Data. Any updates, revisions, additions or enhancements to such MTC Data made by the Consultant in the context of the Project shall be the property of MTC.

Ownership of Work Product: All data, reports, surveys, studies, drawings, software (object or source code), electronic databases, and any other information, documents or materials ("Work Product") written or produced by the Consultant under this Agreement and provided to MTC as a deliverable shall be the property of MTC. Consultant will be required to assign all rights in copyright to such Work Product to MTC.

Personnel and Level of Effort: Personnel assigned to this Project and the estimated number of hours to be supplied by each will be specified in an attachment to the Agreement. No substitution of personnel or substantial decrease of hours will be allowed without prior written approval of MTC.

Subcontracts: No subcontracting of any or all of the services to be provided by Consultant shall be allowed without prior written approval of MTC. MTC is under no obligation to any subcontractors.

Consultant's Records: Consultant shall keep complete and accurate books, records, accounts and any and all work products, materials, and other data relevant to its performance under this Agreement. All such records shall be available to MTC for inspection and auditing purposes. The records shall be retained by Consultant for a period of not less than four (4) years following the fiscal year of the last expenditure under this Agreement.

Prohibited Interest: No member, officer or employee of MTC can have any interest in this agreement or its proceeds and Consultant may not have any interest which conflicts with its performance under this Agreement.

Governing Law. The Agreement shall be governed by the laws of the State of California.

APPENDIX C-1, INSURANCE REQUIREMENTS

Minimum Insurance Coverages. Consultant shall, at its own expense, obtain and maintain in effect at all times the following types of insurance against claims, damages and losses due to injuries to persons or damage to property or other losses that may arise in connection with the performance of work under this Agreement, placed with insurers with a Best's rating of A-X or better.

Yes (✓)	Please certify by checking the boxes at left that required coverages will be provided within five (5) days of MTC's notice to firm that it is the successful proposer.
_____	<u>Workers' Compensation Insurance</u> in the amount required by the applicable laws, and Employer's Liability insurance with a limit of not less than \$1,000,000 per employee and \$1,000,000 per occurrence, and any and all other coverage of CONSULTANT's employees as may be required by applicable law. Such policy shall contain a Waiver of Subrogation endorsement in favor of MTC. Such Workers Compensation & Employers Liability may be waived, if and only for as long as CONSULTANT is a sole proprietor with no employees.
_____	<u>Commercial General Liability Insurance</u> for Bodily Injury and Property Damage liability, covering the operations of CONSULTANT and CONSULTANT's officers, agents, and employees and with limits of liability which shall not be less than \$1,000,000 combined single limit per occurrence with a general aggregate liability of not less than \$2,000,000, and Personal & Advertising Injury liability with a limit of not less than \$1,000,000. Expense for Indemnitee's defense costs shall be outside of policy limits and such policy shall be issued on a Duty to Defend Primary Occurrence Form. MTC, and its commissioners, officers, representatives, agents and employees are to be named as additional insureds. Such insurance as afforded by this endorsement shall be primary as respects any claims, losses or liability arising directly or indirectly from CONSULTANT's operations.
_____	<u>Business Automobile Insurance</u> for all automobiles owned, used or maintained by CONSULTANT and CONSULTANT's officers, agents and employees, including but not limited to owned, leased, non-owned and hired automobiles, with limits of liability which shall not be less than \$1,000,000 combined single limit per occurrence.
_____	<u>Umbrella Insurance</u> in the amount of \$5,000,000 providing excess limits over Employer's Liability, Automobile Liability, and Commercial General Liability Insurance.
_____	<u>Property Insurance</u> covering CONSULTANT'S own business personal property and equipment to be used in performance of this Agreement, materials or property to be purchased and/or installed on behalf of MTC (if any), debris removal, and builders risk for property in the course of construction (if applicable). Coverage shall be written on a "Special Form" ("All Risk") that

	includes theft, but excludes earthquake, with limits at least equal to the replacement cost of the property. Such policy shall contain a Waiver of Subrogation in favor of MTC. If such insurance coverage has a deductible, the CONSULTANT shall also be liable for the deductible.
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By signing below, you acknowledge and agree to provide the required certificate of insurance providing verification of the minimum insurance requirements listed above within five (5) days of MTC's notice to firm that it is the successful proposer.	
Representative Name and Title	
Name of Authorizing Official	
Authorized Signature	
Date	

<p>NOTE: If you were unable to check "Yes" for any of the required minimum insurance coverages listed above, a request for exception to the appropriate insurance requirement(s) must be brought to MTC's attention no later than the date for protesting RFQ provisions. If such objections are not brought to MTC's attention consistent with the protest provisions of this RFQ, compliance with the insurance requirements will be assumed.</p>
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